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10 Attorneys for Plaintiffs

11 UNITED STATES DISTRICT COURT

12 NORTHERN DISTRICT OF CALIFORNIA

13 (SAN FRANCISCO DIVISION)

14

15 BOARD OF TRUSTEES OF THE  
16 AUTOMOTIVE INDUSTRIES WELFARE  
17 FUND, et al.,

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Plaintiffs,

19 v.

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MARK FIEL, individually and doing business  
as DELTA FORKLIFT SERVICE,

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Defendant.

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Case No.: C 10-01409 VRW

**NOTICE OF VOLUNTARY DISMISSAL  
WITHOUT PREJUDICE;  
ORDER THEREON**

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TO THE COURT AND TO ALL INTERESTED PARTIES HEREIN:

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PLEASE TAKE NOTICE that pursuant to Federal Rule of Civil Procedure 41, Plaintiffs  
Board of Trustees of the Automotive Industries Welfare Fund, Automotive Industries Pension  
Fund and Jim Beno, Trustee, hereby dismiss without prejudice the above-entitled action against  
Defendant Mark Fiel, individually and doing business as Delta Forklift Service.

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The Clerk's Default was entered in this matter on July 19, 2010 (Docket No. 8), and on July 27, 2010, the Court terminated all deadlines, vacating the August 5, 2010 Case Management Conference and ADR Scheduling Order.

Dated: December 30, 2010

/S/

SALTZMAN & JOHNSON LAW CORPORATION  
By: Anne M. Bevington  
Attorneys for Plaintiffs

IT IS SO ORDERED.

Dated: 1/5/2011



Judge Vaughn R Walker

## PROOF OF SERVICE

I, the undersigned, declare that I am employed in the City and County of San Francisco, California; I am over the age of eighteen (18) years and not a party to the within action; my business address is 44 Montgomery Street, Suite 2110, San Francisco, California 94104.

On December 30, 2010, I served the following document:

**NOTICE OF VOLUNTARY DISMISSAL  
WITHOUT PREJUDICE;  
ORDER THEREON**

on the interested party(ies) in this action:

Mark Fiel  
Delta Forklift Services  
10 Rangewood Court  
Pittsburg, CA 94565

by placing a true copy thereof enclosed in a sealed envelope addressed as above, with first-class postage thereon fully prepaid, for mailing at San Francisco, California. I am readily familiar with the business practice at my place of business for collection and processing of correspondence for mailing with the United States Postal Service. Correspondence so collected and processed is deposited with the United States Postal Service that same day in the ordinary course of business.

I declare under penalty of perjury that the foregoing is true and correct. Executed this 30th day of December, 2010, at San Francisco, California.

Julie Jellen